

FD-40 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

WENDY DEAN

SUMMONS IN A CIVIL ACTION

V.

LEE COUNTY AND THE LEE COUNTY  
COMMISSION

CASE NUMBER: 3:05cv758

TO: (Name and address of Defendant)

Lee County Commission  
c/o Roger Rendleman, County Administrator, Lee County  
215 South Ninth Street  
Opelika, Alabama

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Edward I. Zwilling  
Schwartz Zweben & Slingbaum  
300 Office Park Drive, Suite 217  
Birmingham, Alabama 35223  
Telephone: (205) 871-8089  
Facsimile: (305) 871-8091  
Email: ezwillling@szalaw.com

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

*Debra P. Hackett*

CLERK

DATE

*8/17/05*

(By) DEPUTY CLERK

*RCaither*

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE: <u>8-25-05</u>	
NAME OF SERVER (PRINT): <u>DAVID L. West Jr.</u>	TITLE: <u>PIA</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:  <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:  <input type="checkbox"/> Returned unexecuted:  <input checked="" type="checkbox"/> Other (specify): <u>Left Copies with Agent of Defendant: BARBARA HOWARD</u> <u>215 S. 9th St.</u> <u>Opelika, AL</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL: \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>8-25-05</u> <u>[Signature]</u>            Date Signature of Server</p> <p style="text-align: center;"><u>P.O. Box 241993 Montgomery, AL 36124</u>            Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.